

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRACY WHITNEY,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C06-5610RBL

ORDER TO SHOW CAUSE

The matter is before the court due to the lack of activity in litigation. The matter was referred to the undersigned on October 23, 2006. Since that time no significant pleadings have been filed with the court clerk.

After reviewing the record, it does not appear that the complaint has been properly served. As noted by the U.S. District Court in Delaware, copies of the complaint along with the appropriate summonses must be filed on the following parties in social security administrative appeals: the Commissioner of Social Security, office of General Counsel for this region; the U.S. Attorney General for the W.D. of Washington; and the Attorney General of the United States. Rule 4(m) of the Federal Rules of Civil Procedure states, "If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected

1 within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend
2 the time for service for an appropriate period.” The matter was previously served while it was pending in
3 Delaware, but proof of service filed shows Plaintiff failed to serve the Attorney General of the United
4 States.

5 Accordingly, **by not later than April 30, 2007, plaintiff is directed to file proof that the**
6 **summons and complaint in this matter has been properly served on each of the parties noted above**
7 **or show cause why this matter should not be dismissed for lack of prosecution.**

8 The clerk is directed to send a copies of this order to Plaintiff at her address of record as well as
9 any counsel of record.

10 DATED this 9th day of April, 2007.

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12 /s/ J. Kelley Arnold
13 J. Kelley Arnold
14 United States Magistrate Judge
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